

**MINUTES OF THE COURT OF APPEAL
STATE OF CALIFORNIA
SECOND APPELLATE DISTRICT**

November 17, 1997

DIVISION ONE

B110806 People (Not for Publication)
v.
Fajardo & Martinez

The judgment is affirmed.

Ortega, J.

We concur: Spencer, P.J.
Masterson, J.

B112586 In re Rae W. (Not for Publication)
L.A. County Dept. of Children and Family Services
v.
Sharae W. & Lestle G.

The order appealed from is affirmed.

Ortega, J.

We concur: Spencer, P.J.
Dunn, J. (assigned)

DIVISION THREE

Court convened at 9:30 A.M.

Present: Klein, P.J., Croskey, J., Kitching, J., Aldrich, J., Aranda, J. (Assigned), and M. Gavinski, Deputy Clerk.

Each of the following:

B104156 Movsessian v. Sav-on Drug Store, Inc.
B103987 County of Los Angeles v. P.I.M. et al.
B106001 People v. Padilla
B104398 People v. Edmondson
B092447 People v. Caceres & Canjura
B108876 County of Los Angeles v. Myriam A.
B099962 People v. Johnson
B106076 People v. Myers
B103768 People v. Gomez
B102662 People v. Zavala
B108099 People v. Zaragoza

Argument waived, cause submitted.

B110237 Mink Properties & Management Corp.
 v.
 Susan Cuse

Merits:

Argued by John P. Schock for respondent and by no appearance for appellant. Cause submitted.

B105307 People
 v.
 Freddy Lee Maroney

Merits:

Argued by Katharine E. Greenebum for appellant and by B. Kathleen Blanchard, deputy attorney general for respondent. Cause submitted.

DIVISION THREE (Continued)

B112093 County of Los Angeles
v.
Juana G.

Merits:

Argued by Sharon S. Rollo for appellant and by Joanne Nielsen, deputy county counsel for respondent. Cause submitted.

B107946 Addie Miller
v.
Mayor Richard Riordan

Merits:

Argued by Addie Miller, in propria persona and by Susan Pfann, deputy city attorney for respondent. Cause submitted.

B094414 Anna Giovanini
v.
Sammie Pack

Merits:

Argued by Raymond Moniak for respondent and by Stanley G. Patnoi for appellant. Cause submitted.

B106916 G & G Properties
v.
Kamal Abdou & Len Fisch

Merits:

Argued by William W. Bloch for respondents and by David W. Tredway for appellant. Cause submitted.

DIVISION THREE (Continued)

B106721 Joel B. Friedland
 v.
 City of Long Beach

Merits:

Argued by Steven D. Kalik for appellant and by Douglas Kari, deputy city attorney for respondent. Cause argued, submission deferred.

Court recessed at 12:45 P.M.

The Court reconvened at 2:00 P.M.

Present: Klein, P.J., Croskey, J., Kitching, J., Aldrich, J., Aranda, J. (Assigned), and M. Gavinski, Deputy Clerk.

B101548 Santa Clarita Greenbrier etc.
 v.
 Greenbrier Association, Ltd.

Merits:

Argued by Jeffrey A. Hacker for appellant and by C. Brent Swanson for respondent. Cause submitted.

B101554 Philip Leo Miller
 v.
 Estate of Helen Miller, Stephen Botwin

Merits:

Argued by A.L.Renick for appellant and by Richard A. Stone for respondents. Cause submitted.

B105927 Cynthia Collard
 v.
 City of Burbank

Merits:

Argued by Steven L. Monette, deputy city attorney for appellant and by Robert V. Victoreen for respondent. Cause submitted.

DIVISION THREE (Continued)

B101606 City of Vernon
v.
Central Basin Municipal Water District

Merits:
Argued by Eduardo Olivo, deputy city attorney for appellant and by Kenneth Howell for respondent. Cause submitted.

B105249 Maximilian Schell
v.
Wolfgang Bocksh Concerts

Merits:
Argued by Michael Jay Berger for appellant and by Mark E. Kalmasohn for respondent. Cause submitted.

B095495 Paul Clarkson
v.
Mary J. Harper, & Faith Harper

Merits:
Argued by D. Randall Kerr for appellant and by Stacy J. May for respondents. Cause submitted.

Court adjourned at 4:15 P.M.

DIVISION FOUR

B100718 Davis (Certified for Publication)
v.
Continental Airlines, Inc., et al.

The order denying defendants' motion to compel arbitration is affirmed.

Vogel (C.S.), P.J.

We concur: Hastings, J.
Baron, J.

DIVISION FOUR (Continued)

B108113 Lucas (Not for Publication)

v.
20th Century Fox Film Corporation

The judgment is affirmed.

Vogel (C.S.), P.J.

We concur: Epstein, J.
Hastings, J.

B104396 Crompton (Not for Publication)

v.
Teen Angst Movie Company

The judgment is reversed. Appellant is awarded his costs on appeal.

Baron, J.

We concur: Vogel (C.S.), P.J.
Hastings, J.

B110656 People (Not for Publication)

v.
Manuel P.

The Court:

For the foregoing reasons, the orders declaring appellant a ward of the court pursuant to Welfare and Institutions Code section 602 and committing him to the California Youth Authority are affirmed.

Vogel (C.S.), P.J., Epstein, J., Hastings, J.

DIVISION FOUR (Continued)

B106149 People (Not for Publication)
v.
Alfonso and Cordova

The judgments are affirmed.

Baron, J.

We concur: Epstein, Acting P.J.
Hastings, J.

DIVISION FIVE

B103740 People (Not for Publication)
v.
Tuaola Faatiliga

The judgment is affirmed without prejudice to appellant filing a petition for writ of habeas corpus in the trial court pursuant to *People v. Superior Court (Romero)* (1996) 13 Cal.4th 497. ~ (RT 50, the trial court indicates that it doesn't believe that it has discretion to strike appellant's prior convictions -- I'm not sure why appellate counsel didn't raise this issue -- maybe because this almost seems like a plea bargain -- but this seemed like the best way to handle her omission)~

Armstrong, J.

We concur: Grignon, Acting P.J.
Jackson, J. (Assigned)

B112807 People (Not for Publication)
v.
Christopher Hendrick

The judgment is affirmed.

Armstrong, J.

We concur: Turner, P.J.
 Jackson, J. (Assigned)

November 17, 1997-Continued

DIVISION FIVE (Continued)

B106016 People (Not for Publication)

V.

Levan L. Thompson

The judgment is affirmed.

Armstrong, J.

We concur: Turner, P.J.

Jackson, J. (Assigned)

B099026 Judith Ciocca (Not for Publication)

V.

City of Burbank et al.

The judgment is reversed. Appellant to recover costs on appeal.

Armstrong, J.

We concur: Turner, P.J.

Grignon, J.

B099100 Mary Kobzoff et al. (Certified for Publication)

V.

Harbor U.C.L.A. Medical Center et al.

The judgment is affirmed, the award of costs is reversed, and the matter is remanded to the trial court for a ruling, consistent with this opinion, on the County's request for costs pursuant to section 103.8. The County's motion for an award of monetary sanctions against plaintiffs for filing a frivolous appeal is denied. Plaintiffs are awarded their costs on appeal.

Armstrong, J.

We concur: Grignon, J.

Turner, P.J. (opinion)

November 17, 1997-Continued

DIVISION FIVE (Continued)

B111847 People (Not for Publication)
v.
Eddie Fisher Baker

The judgment is affirmed.

Armstrong, J.

We concur: Grignon, Acting P.J.
Jackson, J. (Assigned)

B106676 People (Not for Publication)
v.
Richard Huizar

The abstract of judgment is ordered corrected to reflect a total of 171 days of presentence custody credit, consisting of 115 days of actual custody and 56 days of custody credits. The judgment of conviction is affirmed in all other respects.

Armstrong, J.

We concur: Grignon, Acting P.J.
Jackson, J. (Assigned)

DIVISION SIX

B103936 People (Not for Publication)
v.
Schlottman

The judgment as to count two is reversed. In all other respects, the judgment is affirmed.

Gilbert, Acting P.J.

We concur: Yegan, J.
Coffee, J.

November 17, 1997-Continued

DIVISION SIX (Continued)

B111407 Reesha (Not for Publication)

V.

Vista Del Monte Homeowners Association, etc.

The judgment (order granting summary judgment) is reversed with costs to appellants.

Yegan, J.

We concur: Stone, P.J.
 Gilbert, J.

B111388 People (Not for Publication)

V.

Douglas

The judgment is affirmed.

Stone, P.J.

We concur: Gilbert, J.
 Yegan, J.

B105079 People (Not for Publication)

V.

Alvarez

The judgment is affirmed.

Coffee, J.

We concur: Stone, P.J.
Yegan, J.

DIVISION SIX (Continued)

B109611 Gallagher (Not for Publication)

v.

Calif. State Personnel Bd.

The judgment is affirmed. Costs to respondent.

Yegan, J.

We concur: Stone, P.J.

Gilbert, J.

B105333 People (Not for Publication)

v.

Bacalot

We affirm the robbery conviction (count 4) and reverse the conviction of petty theft with a prior (count 6).

Coffee, J.

We concur: Gilbert, Acting P.J.

Yegan, J.

B106931 People (Certified for Publication)

v.

Anzalone

The judgment (order of commitment) is affirmed.

Yegan, J.

We concur: Stone, P.J.

Gilbert, J.

November 17, 1997-Continued

DIVISION SIX (Continued)

[illegible]

The order modifying presentence conduct credits is affirmed.

Stone, P.J.

We concur: Yegan, J.
Coffee, J.

B111330 Mendez et al. (Not for Publication)
v.
Heck, etc.

The judgment is affirmed. Costs are awarded to respondent.

Coffee, J.

We concur: Stone, P.J.
 Gilbert, J.

B106280 Elandt et al. (Not for Publication)
v.
Goodwin et al.

The appeal is dismissed. Costs are awarded to the Elandts.

Gilbert, J.

We concur: Stone, P.J.
Yegan, J.

November 17, 1997-Continued

DIVISION SIX (Continued)

B105270 People (Not For Publication)
v.
Perez

Filed order modifying opinion. Petition for rehearing is denied. (No change in the judgment.)

DIVISION SEVEN

B098096 Smith
v.
Blue Ridge Insurance Company et al.

Filed order denying petition for rehearing.